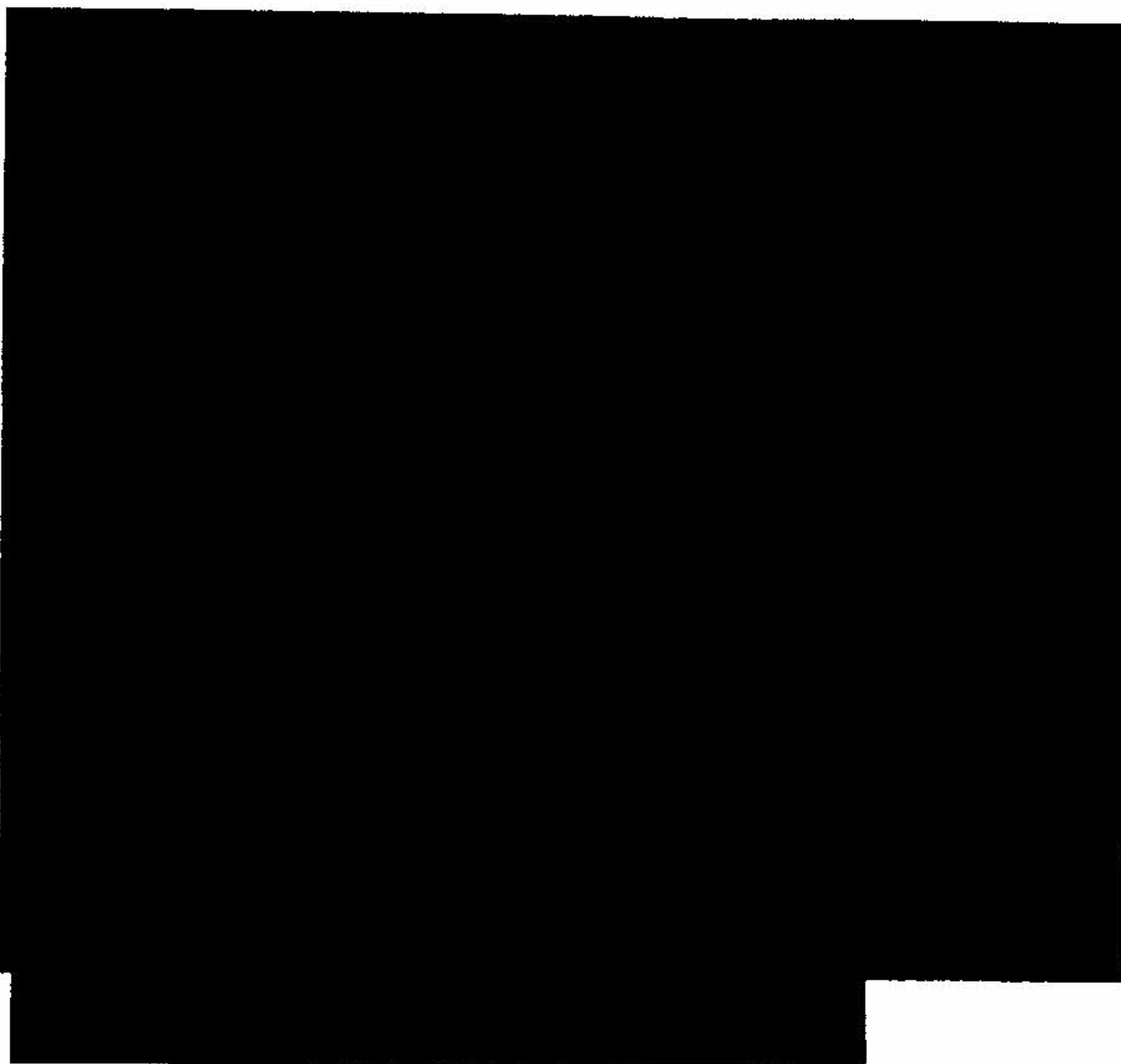


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LTG Anthony Jones, the Deputy Commanding General of the U.S. Army Training and Doctrine Command, was appointed as an additional investigating officer. MG Fay continued to serve as an investigating officer until completion of the action. MG Fay and LTG Jones produced separate reports, each with separate but related series of findings and recommendations. While portions of the Jones Report remain classified, a redacted version of the bulk of the report has been released to the public. LTG Jones and other officials associated with the investigation have also provided public testimony before Congress on the matters contained in the report.

(U) Jones Report

(U) In June 2004, as a result of the evidence he had gathered to that point, MG Fay requested that a more senior investigating officer be appointed to examine whether actions of the commander and staff of CJTF-7 contributed to any misconduct related to the interrogation operations at Abu Ghraib. MG Fay's request was passed by LTG Sanchez to the Commander, U.S. Central Command, who in turn forwarded the request to the Secretary of Defense. The Secretary of Defense directed the Acting Secretary of the Army to designate a new appointing authority and a new or additional investigating officer, senior to LTG Sanchez. The Acting Secretary of the Army selected GEN Paul Kern, the Commander of U.S. Army Materiel Command, to act as the new appointing authority.

(U) GEN Kern appointed LTG Jones "specifically ... to focus on whether organizations or personnel higher than the 205th Military Intelligence Brigade were involved, directly or indirectly, in the ... detainee abuse at Abu Ghraib" on June 25, 2004. LTG Jones reviewed the material developed by MG Fay, as well as the majority of the reports discussed above. He then interviewed LTG Sanchez and MG Barbara Fast, the Commander and Deputy Chief of Staff for Intelligence, respectively, of CJTF-7 at the time of the alleged abuse.

(U) Noting in his report that the "events at Abu Ghraib cannot be understood in a vacuum," LTG Jones made several preliminary findings related to the "background and operational environment" in Iraq at the time of the abuses. First, LTG Jones found that "throughout the period

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under investigation," the CJTF-7 headquarters "was not resourced adequately to accomplish the missions," lacking "adequate personnel and equipment." Second, the mission of "providing operational support to the Coalition Provisional Authority ... required greater resources than envisioned." Third, "operational plans envisioned ... a relatively non-hostile environment," when, "in fact, opposition was robust," a circumstance which required that Combined Joint Task Force 7 conduct "tactical counter-insurgency operations, while also executing ... planned missions" in support of the Coalition Provisional Authority and general stabilization.

(U) LTG Jones found that "no organization or individual higher than the chain of command of the 205th MI Brigade was directly involved in the questionable activities regarding alleged detainee abuse at Abu Ghraib." Further, in LTG Jones' assessment, "no policy, directive or doctrine directly or indirectly caused violent or sexual abuse," the most egregious misconduct. Rather, "the primary causes of these actions were relatively straight-forward - individual criminal misconduct."

(U) LTG Jones did find, however, that CJTF-7 "leaders and staff actions ... contributed indirectly to ... detainee abuse." Specifically, "policy memoranda promulgated by the ... Commander led indirectly to some of the non-violent and non-sexual abuses;" the CJTF-7 "Commander and Deputy Commander failed to ensure proper staff

oversight of detention and interrogation operations," and; some "staff elements reacted inadequately to earlier indications and warnings that problems existed at Abu Ghraib."

(U) LTG Jones found that "the existence of confusing and inconsistent interrogation techniques contributed to the belief that additional interrogation techniques were condoned in order to gain intelligence." This was compounded by "Soldier knowledge of interrogation techniques permitted in GTMO and Afghanistan," "the availability of information on Counter-Resistance Techniques used in other theaters," and interactions with "non-DoD agencies" where "there was at least the perception, and perhaps the reality, that non-DoD agencies had different rules."

(U) LTG Jones' finding that the failure of the CJTF-7 "Commander and Deputy Commander ... to ensure proper staff oversight of detention and interrogation operations" was manifested by "the lack of a single ... staff proponent for detention and interrogation operations" and dispersion of "staff responsibility ... among the Deputy Commanding General, the C2, C3, C4 and SJA." This dispersion of staff responsibility "resulted in no individual staff member focusing on these operations."

(U) LTG Jones' finding that some "staff elements reacted inadequately to earlier indications and warnings that problems existed at Abu Ghraib" is related to the dispersion of staff respon-

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sibility. As examples, LTG Jones cited "the investigation of an incident at Camp Cropper," presumably referring to the subject of the Lee Report, discussed above; "the International Committee of the Red Cross .. reports on ... subordinate units" and "Abu Ghraib;" criminal investigations; "disciplinary actions being taken by commanders;" the death of a detainee under the control of an OGA at Abu Ghraib; "the lack of ... accountability of detainees," and; "continual concerns that intelligence information was not returning to the tactical level."

(U) LTG Jones tempered his finding that CJTF-7 "leaders and staff actions ... contributed indirectly to ... detainee abuse" with the caution that "command and staff actions and inaction must be understood in ... context." "In light of the operational environment," the "under-resourcing" of the CJTF-7 "staff and subordinate units, and increased missions," LTG Jones determined that the "Commander had to prioritize efforts." As a matter of "professional judgment," LTG Jones concluded that CJTF-7 appropriately "devoted its resources to fighting the counter-insurgency and supporting the CPA." "In the over-all scheme of OIF," LTG Jones concluded, "the CJTF-7 Commander and staff performed above expectations."

(U) In contrast, LTG Jones found that although the "205th MI Brigade and 800th Military

Police Brigade," like their higher headquarters, "also had missions throughout the Iraqi Theater of Operations," the operational environment did not excuse the fact that their "leaders at Abu Ghraib failed to execute their assigned responsibilities." LTG Jones found that "leaders from these units located at Abu Ghraib or with supervision over Soldiers and units at Abu Ghraib failed to supervise subordinates or provide direct oversight of this important mission." Specifically, "these leaders failed to properly discipline their soldiers, ... failed to learn from prior mistakes and failed to provide continued mission-specific training." "The absence of effective leadership" specifically "at the brigade level and below," in LTG Jones' judgment, "was a factor in not sooner discovering and taking actions to prevent both the violent/sexual abuse incidents and the misinterpretation/confusion incidents."

(U) In findings similar to those of MG Fay, LTG Jones had also found that "facilities at Abu Ghraib ... created a poor climate to conduct interrogation and detention operations to standard" and that "force protection" was a major concern; that the intelligence units were "undermanned, under-equipped, and inappropriately organized" to complete the mission, with shortages "specifically in the interrogator, analyst and linguist fields," and the 800th Military Police Brigade suffered from "under-resourcing of personnel," and; that both the military intelligence and military police missions were significantly different from those

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originally planned.

(U) Given these observations, the finding that the leadership of the 205th Military Intelligence Brigade and the 800th Military Police Brigade should be held responsible because they contributed to "both the violent/sexual abuse incidents and the misinterpretation/confusion incidents" through their inaction, regardless of "operational circumstances," while the leadership of CJTF-7, who "contributed indirectly to the questionable activities regarding alleged detainee abuse" through their "actions and inaction," should be excused as a result of "operational circumstances" is difficult to reconcile. It also appears that significant aspects of the operational circumstances of the military intelligence and military police brigades that contributed to the incidents at Abu Ghraib, such as the selection of Abu Ghraib as the interrogation operations site and the under-resourcing of the interrogation center, were within the direct control of their higher headquarters, CJTF-7.

(U) Like MG Fay, LTG Jones concluded that "interaction with ... other agency interrogators who did not follow the same rules" as the Military Intelligence interrogators was among the "contributing factors" that led to the abuse of detainees. "There was at least the perception, and perhaps the reality, that non-DOD agencies had different rules regarding interrogation and detention operations." LTG Jones found that "such a

perception encouraged soldiers to deviate from prescribed techniques."

## Afghanistan Reports (U)

### (U) Jacoby Report

(U) On May 19, 2004, the Commander of Combined Joint Task Force 76 (CJTF-76), MG Eric Olson, appointed BG Charles Jacoby, the CJTF-76 Deputy Commanding General, to conduct a "top to bottom review of ... detainee operations" in the Combined Forces Command Afghanistan (CFC-A) Area of Responsibility. Specifically, BG Jacoby was directed to identify "best practices," make "recommendations, both specific and general, for ... changes," list "corrective actions," and provide "suggestions with regard to future command ... initiatives ... to ensure adherence to operational and regulatory guidance."

(U) BG Jacoby found that "while theater forces understood the need for humane treatment and unit processes ... consistent with the spirit of extant doctrine, there was otherwise a consistent lack of knowledge regarding theater detention operations guidance." This "lack of thoroughly authorized, disseminated, and understood guidance and procedures," in BG Jacoby's assessment, "created opportunities for detainee abuse and the loss of intelligence value throughout the process."

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(S) BG Jacoby noted that he was not directed to investigate "detainee abuse allegations," a task that is the province of military law enforcement, but rather to inspect "current detainee operations." Nonetheless, acknowledging that "allegations of detainee abuse have been substantiated," many of his findings examine the relationship of areas of concern to the potential abuse of detainees.

guidance. He cautioned that the "inconsistent and unevenly applied standards" that result from such circumstances "increase the possibility of the abuse of detainees, especially in the forward battle area."

(S) [REDACTED] (b)(1)  
He recommended the establishment of clear criteria and procedures for the transfer of detainees.

(U) "Very significantly," BG Jacoby found, there was "inadequate authority for the interrogation techniques and approaches authorized by the Detainee Operations SOP" in effect at the time of his investigation. The impact of the lack of authority for some of the measures authorized by the policy, however, was mitigated by the fact that "only one-third of the bases had the SOP" and "it was generally not ... known or relied upon in the field." Most interrogators, BG Jacoby found, looked to their training rather than the command policy for

(S) [REDACTED] (b)(1)  
His recommendations included modification of interrogation and detention procedures, increases in manning and resourcing detention operations, and structural changes with the task force. BG Jacoby concluded with the observation that while his inspection had "revealed no systematic or widespread mistreatment of detainees, opportunities for mistreatment, ... ongoing investigations, and a maturing battlefield argue for modifications to the

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current detainee operations process" in Afghanistan.

## Independent Panel Report (U)

(U) In May 2004, the Secretary of Defense appointed an Independent Panel to Review Detention Operations "to provide independent professional advice on detainee abuses, what caused them and what actions should be taken to preclude their repetition." Unlike the Taguba, Fay and Jones Reports, the Independent Panel was charged with examining detention and interrogation operations worldwide. The members of the Independent Panel were former Secretaries of Defense James Schlesinger and Harold Brown, former Congresswoman Tillie Fowler, and retired Air Force Gen. Charles Horner. During the course of their investigation, the members of the Independent Panel reviewed the reports of investigations completed prior to the Panel's report, the statements, documents and other evidence gathered by the Fay/Jones investigations and our inquiry, and conducted a series of interviews of senior officers and defense officials, up to and including the Secretary of Defense. The Independent Panel Report, dated August 24, 2004, is unclassified and has been released to the public.

(U) The Independent Panel found that "the pictured abuses" at Abu Ghraib, "unacceptable even in wartime, were not part of authorized inter-

rogations nor were they even directed at intelligence targets." In the Panel's evaluation, the abuse photographed at Abu Ghraib represented "deviant behavior and a failure of military leadership and discipline." However, the Panel also found that there were other abuses that "were not photographed" that "did occur during interrogation," at Abu Ghraib and at other locations.

(U) The panel estimated that as of the date of their report our forces had detained approximately 50,000 individuals during operations in Afghanistan and Iraq. Of the approximately 300 abuse allegations lodged against our forces in that time, the Panel reported that commanders and law enforcement agents had completed investigations into 155 of the allegations, and had substantiated 66 of the allegations. The Panel noted that of the substantiated cases, "approximately one-third ... occurred at the point of capture or tactical collection point, frequently under uncertain, dangerous and violent circumstances." Nonetheless, the Panel emphasized that despite the fact that the abuses were "inflicted on only a small percentage of those detained," were "of varying severity," and "occurred at differing locations and in differing circumstances and context," the abuses "were serious in both number and effect."

(U) Although the Independent Panel found that "there is no evidence of a policy of abuse promulgated by senior officials or military authorities,"

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and "no approved procedures called for or allowed the kinds of abuse that in fact occurred," the Panel nonetheless concluded that "the abuses were not just the failure of some individuals to follow known standards, and they are more than the failure of a few leaders to enforce proper discipline." In the Panel's view, "there is both institutional and personal responsibility at higher levels."

(U) The Independent Panel prefaced their discussion of interrogation operations with the observation that "any discussion of interrogation techniques must begin with the simple reality that their purpose is to gain intelligence that will help protect the United States, its forces and interests abroad." Recounting the development of the policies that have framed the Global War on Terror at the national level and within the Department of Defense, the Panel observed that with "the events of September 11, 2001, the President, Congress and the American people recognized we were at war with a different kind of enemy." The nature and "severity of the post-September 11, 2001 terrorist threat and the escalating insurgency in Iraq," threats which are essentially different from an enemy force composed of massed troops, tanks, artillery, ships, and aircraft, made "information gleaned from interrogations especially important." The panel noted, "interrogations are inherently unpleasant, and many people find them objectionable by their very nature." Yet, in the Panel's assessment, "when lives are at stake, all legal and moral means of eliciting information must be con-

sidered." Further, the Independent Panel warned, "the conditions of war and the dynamics of detainee operations carry inherent risks for human mistreatment and must be approached with caution and careful planning and training."

(U) The Panel concluded that "in the initial development" of the Interrogation and Counter-Resistance Policies promulgated by the Secretary of Defense for the interrogation of unlawful combatants held at Guantanamo Bay, "the legal resources of the Services' Judge Advocates General and General Counsels were not used to their full potential." In the Panel's view, "had the Secretary of Defense had a wider range of legal opinions and a more robust debate regarding detainee policies and operations," the fluctuations in policy that occurred between December 2002 and April 2003 might well have been avoided.

(U) The Independent Panel found "it is clear that pressures for additional intelligence ... resulted in stronger interrogation techniques that were believed to be needed and appropriate in the treatment of detainees defined as 'unlawful combatants,' some of whom were presenting a 'tenacious resistance' to doctrinal interrogation methods. "At Guantanamo," the Panel observed, "interrogators used those additional techniques with only two detainees, gaining important and time-urgent information in the process." While a limited application of those more aggressive techniques proved successful in Guantanamo, the

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Panel cautioned that "it is important to note that techniques effective under carefully controlled conditions in Guantanamo became far more problematic when they migrated and were not adequately safeguarded."

(U) Inevitably, the Panel found, "interrogators and lists of techniques circulated from Guantanamo and Afghanistan to Iraq." In Afghanistan, the Panel noted, "more aggressive interrogation of detainees appears to have been ongoing" independent of the Guantanamo Counter-Resistance Policies. Standard Operating Procedures containing techniques adopted by Special Operations Forces and conventional Military Intelligence units in Afghanistan migrated to Iraq. Many interrogators served in both operations. In Iraq, the combined knowledge and experience of the interrogators and their leaders, which encompassed operations in both Afghanistan and Guantanamo, were brought together. Combined Joint Task Force 7 promulgated a series of inconsistent policies that "allowed for interpretation in several areas and did not adequately set forth the limits of the interrogation techniques." In the Panel's assessment, "the existence of confusing and inconsistent interrogation ... policies contributed to the belief that additional interrogation techniques were condoned."

(U) Addressing the integration of detention and interrogation operations, the Independent Panel contrasted the operations at Guantanamo to

those at Abu Ghraib. At Guantanamo, a system was eventually established where the Military Police and Military Intelligence worked "cooperatively, with the Military Police 'setting the conditions' for interrogations" conducted by Military Intelligence. In concept, the Panel noted, 'setting the conditions' for interrogations "included passive collection on detainees as well as supporting incentives recommended by the military interrogators." In the Panel's assessment, "these collaborative procedures worked well at Guantanamo," where the ratio of Military Police to detainees was "approximately 1 to 1," but failed Abu Ghraib, where the ratio was "at one point 1 to about 75," with the Military Police challenged "even to keep track of prisoners."

(U) The Independent Panel found that "in Iraq, there was not only a failure to plan for a major insurgency, but also to quickly and adequately adapt to the insurgency that followed ... major combat operations." As the insurgency grew, so did the population of the detention facilities. "The largest, Abu Ghraib, housed up to 7,000 detainees in October 2003," when the major abuses began at the facility, yet had "a guard force of only about 90 personnel from the 800th Military Police Brigade." The Panel, like MG Fay and LTG Jones, concluded that "Abu Ghraib was seriously overcrowded, under-resourced, and under continual attack."

(U) The Independent Panel noted that



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"problems at Abu Ghraib" could be traced "in part to the nature and recent history of the military police and military intelligence units" that staffed the operations at the prison. The 800th Military Police Brigade (Enemy Prisoner of War), a Reserve Component unit whose subordinate elements are spread across several states in peacetime, was designed to run prisoners of war facilities. The panel found that as a result of widespread military police mobilizations after September 11, 2001, however, the brigade had been unable to conduct any major training in its primary mission due to "disruption in soldier and unit availability." Further, many of the brigade's soldiers who had been activated "shortly after September 11, 2001, began reaching" the limit of their "two-year mobilization commitment, which, by law, mandated their redeployment and deactivation." In the panel's judgment, the resulting "deterioration in the readiness condition of the brigade should have been recognized by CFLCC and CENTCOM by late summer 2003," and that by "October and November" of 2003, "commanders and staffs all the way to CENTCOM and the Joint Chiefs of Staff knew ... the serious deficiencies of the 800th MP Brigade." This led the Panel to conclude that the CJTF-7, CFLCC and CENTCOM failure to request additional forces was an avoidable error."

(U) The Independent Panel also found that the 205th Military Intelligence Brigade, an Active Component unit, "was insufficient to provide the kind of support needed ... especially with regard to

interrogators and interpreters." Although "some additional units were mobilized" from the reserves, other Active Component units deployed, and contract interpreters and interrogators hired, a large portion of the effort fell to the soldiers of A Company, 519th Military Intelligence Battalion (Airborne), who had only just returned from an extended deployment to Afghanistan where they had conducted interrogation operations at the primary detention facility in that theater. The hodgepodge of "elements of as many as six different units" that were tossed into the interrogation mission at Abu Ghraib lacked "unit cohesion," a flaw that was exacerbated "by friction between military intelligence and military police personnel, including the brigade commanders themselves."

(U) Regarding policy and command responsibilities, the Independent Panel found that "interrogation policies with respect to Iraq, where the majority of the abuses occurred, were inadequate or deficient in some respects at three levels: Department of Defense, CENTCOM/CJTF-7, and Abu Ghraib." Overall, the Panel found, "policies to guide the demands for actionable intelligence lagged behind battlefield needs." Fluctuations in the Counter-Resistance Policy for Guantanamo approved by the Secretary of Defense, "although specifically limited ... to Guantanamo," were in the Panel's view "an element contributing to uncertainties in the field as to which techniques were authorized." The Panel found that "in the absence of specific guidance from CENTCOM, interroga-

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tors in Iraq relied upon" the field manual "and unauthorized techniques that had migrated from Afghanistan." These conditions, followed by a series of short-lived and poorly drafted CJTF-7 policies "clearly led to confusion on what practices were acceptable." Although "we cannot be sure how much the number and severity of abuses would have been curtailed had there been early and consistent guidance from higher levels," the Independent Panel concluded that "nonetheless such guidance was needed and likely would have had a limiting effect."

(U) Other factors that contributed to the leadership failures at Abu Ghraib included an "unclear Military Intelligence chain of command," the "confusing and unusual assignment of MI and MP responsibilities at Abu Ghraib," and the placement of the 800th Military Police Brigade under the tactical control of CJTF-7 while maintaining the brigade under the CFLCC for all other purposes. Finally, in the view of the Panel, "the failure to react appropriately to the October 2003 ICRC report," which described a number of the abuses that would remain uninvestigated until a soldier reported later incidents to his chain of command, was "indicative of the weakness of the leadership at Abu Ghraib."

(U) The Independent Panel made the following recommendations, among others:

- (U) "The United States should further define its policy ... on the categorization and status of all detainees;"
- (U) "The Department of Defense needs to ... develop joint doctrine to define the appropriate collaboration between Military Intelligence and Military Police in a detention facility;"
- (U) The nation must acquire "more specialists for detention/interrogation operations, including linguists, interrogators," and others;
- (U) "Joint Forces Command should ... develop" a new operational concept for detention operations," including preparation "for conditions in which normal law enforcement has broken down in an occupied or failed state;"
- (U) Although "clearly, the force structure in both MP and MI" in the Army "is inadequate to support the armed forces in this new form of warfare," there are "other forces besides the Army in need of force structure improvements" to accomplish the detention and interrogation missions. Accordingly, the Panel recommended "that the Secretaries of the Navy and Air Force undertake force structure reviews of their own;"

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- (U) Because "well-documented policy and procedures on approved interrogation techniques are imperative to counteract the current chilling effect the reaction to the abuses have had on the collection of valuable intelligence through interrogations," such policies must be promulgated;
- (U) A "professional ethics program" must be developed for all who participate in detention and interrogation operations;
- (U) "Clearer guidelines for the interaction of CIA with the Department of Defense in detention and interrogation operations must be defined;"
- (U) "The United States needs to redefine its approach to customary and treaty international humanitarian law, which must be adapted to the realities of the nature of the conflict," and
- (U) "The Department of Defense should continue to foster its operational relationship with the International Committee of the Red Cross."

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